

REMARKS

Claims 4, 10, 12, 13, 15 and 17 are all the claims pending in the present application.

Claims 15 and 17 have been amended to correctly recite " μm ".

Entry of the above amendments is respectfully requested.

I. Response to Claim Objections

Claims 15 and 17 are objected to because the claims recite an unrecognized unit of measurement.

Claims 15 and 17 have been amended to correctly recite " μm ", thereby obviating the objection. Accordingly, withdrawal of the rejection is respectfully requested.

II. Response to Rejection of Claims 4, 13 and 15 over Wakamatsu

Claims 4 and 13 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Wakamatsu et al. (US 4,667,814).

In addition, claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wakamatsu et al.

Applicants respectfully traverse the rejections.

Independent claim 4 is directed to a member for an electroluminescent device comprising a container which is made of a porous material and a non-porous material and a removing agent capable of removing a prescribed gaseous component, the removing agent being contained in said container, wherein said container is made of two sheets joined together at their peripheries, one of said two sheets being a porous sheet, and the other being a non-porous sheet; said porous sheet is an air-permeable laminate sheet comprising a porous layer and a reinforcing layer; and said reinforcing layer is nonwoven fabric.

Wakamatsu discloses an oxygen absorbent packet comprising a plastic container (2), an adhesive (8) to seal (2) and (6), which is an air-permeable nonwoven sheet. See Fig. 2 and col.

2, lines 43-45. In addition, Wakamatsu discloses an air-impermeable layer (10) that may have pores. See col. 3, lines 20-21 and lines 39-44. Further, Wakamatsu discloses a solid oxygen absorbent (4) that contains moisture.

However, the structure of the claimed invention and Wakamatsu differ. Specifically, Wakamatsu discloses that the plastic container (2) has a molded cup-like shape. See col. 2, lines 30 and Fig. 2. In contrast, claim 4 recites that the container is made of two sheets joined together at their peripheries where one of said two sheets being a porous sheet and the other being a non-porous sheet. Since Wakamatsu discloses a cup-like container, which is not a porous sheet, Wakamatsu does not disclose a container made of two sheets joined together, where one sheet is a non-porous sheet.

Hence, Wakamatsu does not anticipate claim 4 since it does not each and every element of the claim.

In addition, claims 13 and 15 depend from claim 4, and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 4.

In view of the above, withdrawal of the rejections is respectfully requested.

III. Response to Rejection of Claims 4 and 13-15 over Yamada

Claims 4 and 13 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Yamada et al. (US 5,143,763).

In addition, claim 15 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamada et al. (US 5,143,763).

Applicants respectfully traverse the rejections.

Yamada discloses containers comprising an oxygen scavenger laminate (see abstract), and Figure 1 shows an oxygen absorber layer (7), a non-woven fabric layer (6), a porous membrane (3), a non-porous layer (2), and a laminate layer (8) having gas barrier properties.

See col. 16, lines 28-35. The Examiner appears to consider the layer 6 as corresponding to the claimed "reinforcing layer", the porous membrane (3) as corresponding to the claimed porous layer, and the laminate layer (8) as corresponding to the claimed non-porous layer.

Claim 4 recites "a container" and "said container is made of two sheets joined together at their peripheries". Yamada relates to a sheet having a lamination structure, and thus, does not disclose a "container" as claimed. In addition, claim 4 recites "the removing agent being contained in said container". Since Yamada discloses that the layer 7 contains an oxygen absorbent in the resin and since Yamada does not disclose a container, Yamada fails to disclose a removing agent contained in a container, as claimed.

Hence, Yamada does not anticipate claim 4 since it does not each and every element of the claim.

In addition, claims 13 and 15 depend from claim 4, and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 4.

In view of the above, withdrawal of the rejections is respectfully requested.

IV. Response to Rejection of claims 10, 12 and 17 under 35 U.S.C. § 103(a)

Claims 10, 12, and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Wakamatsu et al. (US 4,667,814) in view of Blebuyck et al. (US 5,734,225).

In addition, claims 10, 12 and 17 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Yamada et al. in view of Blebuyck et al. (US 5,734,225).

Applicants respectfully traverse the rejections.

Independent claim 10 is directed to an electroluminescent device having a member comprising a container which is made of a porous material and a non-porous material and a removing agent capable of removing a prescribed gaseous component, the removing agent being contained in said container, wherein said container is made of two sheets joined together

at their peripheries, one of said two sheets being a porous sheet, and the other being a non-porous sheet; said porous sheet is an air-permeable laminate sheet comprising a porous layer and a reinforcing layer; and said reinforcing layer is nonwoven fabric.

Since claim 10 recites the same limitations as claim 4, it is respectfully submitted that claim 10 is patentable for at least the same reasons as claim 4. Specifically, claim 10 recites that the container is made of two sheets joined together at their peripheries where one of said two sheets being a porous sheet and the other being a non-porous sheet. Since Wakamatsu discloses a cup-like container, which is not a porous sheet, Wakamatsu does not disclose a container made of two sheets joined together, where one sheet is a non-porous sheet.

In addition, claim 10 recites "a container" and "said container is made of two sheets joined together at their peripheries". Yamada, as discussed above does not disclose a "container" as claimed. In addition, claim 10 recites "the removing agent being contained in said container". Since Yamada discloses that the layer 7 contains an oxygen absorbent in the resin and since Yamada does not disclose a container, Yamada fails to disclose a removing agent contained in a container, as claimed.

Further, the secondary references do not make up for the deficiencies of Wakamatsu and Yamada.

Therefore, it is respectfully submitted that a *prima facie* case of obviousness has not been established since the cited references fail to teach or suggest every element of claim 10.

In addition, claims 12 and 17 depend from claim 10, and thus, it is respectfully submitted that these claims are patentable for at least the same reasons as claim 10.

In view of the above, withdrawal of the rejections is respectfully requested.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No.: 09/809,273

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IV. Conclusion

For the foregoing reasons, reconsideration and allowance of claims 4, 10, 12-13, 15, and 17 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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